

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

SAMUEL L. MARTIN-SHIVELY,

Plaintiff,

v.

CAUSE NO. 3:19-CV-857-RLM-MGG

WESTVILLE CORRECTIONS FACILITY,
et al.,

Defendants.

OPINION AND ORDER

On October 22, 2019, Samuel L. Martin-Shively filed a signed¹ amended complaint. This court screened the complaint and, because of the urgent nature of Martin-Shively's claims, ordered Warden Galipeau to file an affidavit or declaration with the court by November 18, 2019, explaining how Martin-Shively's back pain is being addressed in a manner that satisfies the requirements of the Eighth Amendment. Nonetheless, no appearance has been entered and no response has been filed.

For this reason, the court:

(1) DIRECTS the Clerk to immediately issue a summons addressed to Warden Galipeau and FAX a copy of this order to Warden Galipeau;

(2) DIRECTS the United States Marshals Service to issue and serve process on Warden Galipeau by certified mail **no later than Tuesday, November 26, 2019**, at the

¹ Martin-Shively initiated this case by filing an unsigned complaint (ECF 2) on September 27, 2019.

Westville Correctional Facility with a copy of this order, the court's screening order (ECF 7), and the amended complaint (ECF 4), pursuant to 28 U.S.C. § 1915(d);

(3) ORDERS Warden Galipeau to respond to the request for preliminary injunction and file an affidavit or declaration with the court **no later than Friday, November 29, 2019**, explaining how Samuel L. Martin-Shively's back pain is being addressed in a manner that satisfies the requirements of the Eighth Amendment.

SO ORDERED this November 22, 2019.

s/Michael G. Gotsch, Sr.
Michael G. Gotsch, Sr.
United States Magistrate Judge